

Message Text

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ACTION EB-07

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FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC IMMEDIATE 4067

LIMITED OFFICIAL USE JAKARTA 5448

EO 11652: NA

TAGS: TAGS EAIR ID

SUBJECT: CIVIL AIR DISCUSSIONS

REF: (A) STATE 089487, (B) JAKARTA 5385

1. PENDING RETURN OF MINISTER COMMUNICATIONS EXPECTED IN JAKARTA APRIL 28 AND NEXT STEP IN CIVIL AIR NEGOTIATIONS, I WOULD LIKE DEPARTMENT'S GUIDANCE ON CERTAIN RELATED QUESTIONS.

2. AS POINTED OUT IN REF B, MINISTER COMMUNICATIONS APPEARS HAVE VIRTUAL FULL AUTHORITY IN THIS MATTER. WE COULD PERHAPS CARRY QUESTION TO FOREIGN MINISTER AND POSSIBLY MINISTER OF STATE SUDHARMONO IF THERE APPEARED TO BE PROSPECT OF COMPLETE BREAKDOWN, BUT EVEN THEN I FEAR ONLY WAY OUT OF IMPASSE WOULD BE ACCEPTANCE OF INDONESIAN TERMS.

3. IF WE TAKE SALIM AT FACE VALUE, HIS PRIMARY CONCERN APPEARS TO BE TO JUSTIFY RIGHTS GIVEN TO PAN AMERICAN WHICH ARE NOT GIVEN TO ANY OTHER AIRLINE, INCLUDING GARUDA. HE HAS PARTICULAR HANGUP ON FIFTH FREEDOM AND "POINTS BEYOND" RIGHTS.

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4. SALIM DRAMATIZES FOFTH FREEDOM QUESTION BY SMALL

CHART WHICH SHOWS GARUDA GETTING FOUR FREQUENCIES WITH THIRD AND FOURTH FREEDOMS ONLY TO UNITED STATES WHILE U.S. DEMANDING TWO FIFTH FREEDOM FLIGHTS AND TWO "POINTS BEYOND" FLIGHTS. HE HAS CIRCULATED THIS AMONG STAFF TO DEMONSTRATE INEQUITY OF OUR PROPOSAL.

5. IN DISCUSSION WITH HIM AND WITH AIR MARSHAL KARDONO, I HAVE TRIED TO SUGGEST THAT INEQUITY IS HEAVILY IN OTHER DIRECTION. IN PROPOSED MODUS VIVENDI WE ARE PROVISIONALLY GIVING UP RIGHTS CLEARLY GRANTED TO US IN 1968 AGREEMENT, FOREGOING TWO FIFTH FREEDOM FREQUENCIES, GIVING UP RIGHTS TO ALL POINTS BEYOND EXCEPT HONG KONG, SUSPENDING AIR CARGO SERVICE, SUSPENDING RIGHTS TO ADDITIONAL FREQUENCIES AND GIVING FOUR FREQUENCIES TO GARUDA TOGETHER WITH HELP IN PROMOTING NEW SERVICE. IN EXCHANGE FOR ALL OF THIS GOI OFFERING FOUR FREQUENCIES ONLY THREE OF WHICH CONSIDERED ECONOMICALLY VIABLE BY PAN AMERICAN. GOI RESPONSE IS THAT THIS MERELY CORRECTS EARLIER INEQUITIES IN AIR AGREEMENT.

6. AS I READ AIR AGREEMENT, INDONESIA HAS FIFTH FREEDOM RIGHTS, IF THEY WISH TO EXERCISE THEM, ON ROUTE VIA SINGAPORE, MALAYSIA, THAILAND, HONG KONG, TAIWAN, AND JAPAN TO U.S. WEST COAST. I CAN UNDERSTAND OUR INABILITY TO SPEAK ABOUT FIFTH FREEDOM RIGHTS FROM AUSTRALIA, MEXICO OR CANADA. CAN WE STILL, HOWEVER, POINT OUT THAT GARUDA HAS SUCH RIGHTS ON ROUTE SCHEDULE ATTACHED TO ORIGINAL AGREEMENT? CAN WE SAY THAT, IF GOI WORKS OUT ARRANGEMENTS WITH AUSTRALIA, CANADA OR MEXICO INVOLVING FIFTH FREEDOM, WE WOULD HONOR SUCH ARRANGEMENT?

7. SECOND ASPECT WHICH CONCERNS ME IS STATUS OF 1968 AGREEMENT IF WE REACH SETTLEMENT ON MODUS VIVENDI. I WOULD ASSUME WE WISH TO MAKE CLEAR THAT ASPECTS OF AGREEMENT OTHER THAN THOSE RELATING TO FREQUENCIES AND ROUTES ARE STILL IN FORCE. IF DEPARTMENT AGREES, THIS POINT CAN BE COVERED IN NEXT EXCHANGE WITH SALIM.

NEWSOM

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